



Connecticut Coalition Against Domestic Violence

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**Member Agencies**

Center for Domestic Violence Services  
at BHcare  
Ansonia, CT

The Center for Women & Families  
Bridgeport, CT

Women's Center  
Danbury, CT

Domestic Violence Program  
United Services  
Dayville, CT

Network Against Domestic Abuse  
Enfield, CT

Domestic Abuse Services  
Greenwich YWCA  
Greenwich, CT

Interval House  
Hartford, CT

Meriden-Wallingford Chrysalis  
Meriden, CT

New Horizons  
Middletown, CT

Prudence Crandall Center  
New Britain, CT

Center for Domestic Violence Services  
at BHcare  
New Haven, CT

Safe Futures  
New London, CT

Domestic Violence Crisis Center  
Norwalk, CT

Women's Support Services  
Sharon, CT

Domestic Violence Crisis Center  
Stamford, CT

Susan B. Anthony Project  
Torrington, CT

Safe Haven  
Waterbury, CT

Domestic Violence Program  
United Services  
Willimantic, CT

**Written Testimony**

**Opposing**

**SB 1155**, AAC Revisions to Statutes Relating to Dissolution of Marriage, Legal  
Separation and Annulment

**HB 6685**, AAC the Presumption of Shared Custody in Disputes Involving the Care and  
Custody of Minor Children

**Supporting**

**SB 178**, AAC the Continuation of Child Support Obligations After the Termination of  
Parental Rights Due to Abuse or Neglect of the Child

**HB 5666**, AAC Concerning the Forfeiture of Moneys and Property Related to Sexual  
Exploitation and Human Trafficking

**HB 6675**, AAC the Planning of Funerals When One Spouse Has Committed Criminal  
Acts Against His or Her Spouse or Minor Child

**HB 6688**, AAC Revisions to Statutes Relating to the Award of Alimony

**Judiciary Committee**

**April 5, 2013**

Good morning Senator Coleman, Representative Fox and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those agencies that serve them. Our members provide essential services to victims such as 24-hour crisis response, emergency shelter, safety planning, counseling, support groups, and court advocacy.

CCADV **OPPOSES** the following bills:

**SB 1155**

CCADV opposes this measure, in particular Section 5(c) which appears to establish a completely arbitrary formula for determining alimony that isn't based on any research demonstrating the effectiveness of such a proposal. This includes limiting the amount of spousal support that would be awarded to the person with the lower annual gross income (typically the woman) upon the dissolution of a marriage to 40% of the combined annual gross income of the couple.

National statistics indicate 98% of abusive relationships include some form of financial abuse. Many women are forced into being financially dependent upon their abuser and often face poverty and homelessness when seeking to end the abusive relationship. Limiting to 40% the amount that a married woman in an abusive relationship can be awarded at the time of divorce (especially those that were financially dependent on the abusive partner) would be incredibly harmful. It may prevent a victim from being able to afford a place to live or to continue medical coverage, both situations that greatly impact her safety.

SB 1155 is simply too broad and the Committee can better address concerns regarding the states alimony statutes by supporting the PRI study contained in HB 6688.

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## **HB 6685**

CCADV opposes this measure which would create a presumption of shared custody as being in the best of interest of the children. The bill also includes language that calls for parents to have shared decision making as it relates to the "child's welfare, including, but not limited to, matters relating to education, medical care, and emotional, moral, social and religious development."

When considering what is defined in this proposal as "shared custody" for a parent that is the victim of an abusive relationship, the requirements set forth in this bill are very concerning. Because the bill includes shared decision-making on emotional, moral and social development, it appears that both parents would need to be in constant contact over both minor and major decisions with regard to the child and, presumably, have the ability to compromise on such decisions. This presents significant challenges for victims of domestic violence since the abuser usually has power and control over the victim and it might not be safe for the victim to disagree with the abuser. If the victim cannot have equal input and power in the relationship, the decisions about the child that need to be made are often made by the abuser alone. Such an arrangement can present multiple problems for the safety and well-being of both the non-abusive partner, who in some cases may be the one who has chosen to end the violent relationship, and for the children involved.

From the perspective of the parent who has been abused, a shared custody arrangement presents another opportunity for the abuser to attempt to exert control over her and to do so in one of the most alarming manners possible - through the children. In a continuing effort to gain control, the abusive partner may object to any proposed decisions for the children or to put up stumbling blocks for the implementation of any decisions once made.

As Louisiana has found, "the legislature finds that problems of family violence do not necessarily cease when the victimized family is legally separated or divorced. In fact, the violence often escalates, and child custody and visitation becomes the new forum for the continuation of the abuse. Because current laws relative to child custody and visitation are based on an assumption that even divorcing parents are in relatively equal positions, and that such parents act in the children's best interest, these laws often work against protection of the children and abused spouse in families with a history of family violence."<sup>ii</sup>

Connecticut should not place into statute language that will easily allow abusers to maintain control over their victim and their children.

CCADV **SUPPORTS** the following bills:

## **SB 178**

CCADV supports this measure which would require continued child support payments from a parent whose parental rights are terminated due to the abuse or neglect of the child. Unfortunately, this is an issue that regularly impacts domestic violence victims. Abusers choose their actions and when those actions result in the loss of their parental rights, they should still be required to support that child.

Victims of domestic violence and their children (who are always victims of witnessing domestic violence and may also be victims of child abuse by the abusive parent) do not choose to be put in the situation of being a victim, that is something that the abuser puts on them. It is not fair to then saddle the non-abusive parent with all of the financial responsibility of the child even if the abusive parents loses his or her parental rights, even though many domestic violence victims do take on this burden to completely separate from their abuser. The continued requirement to support the child that the abuser 1) chose to create and 2) chose to abuse regardless of whether or not parental rights have been terminated is common sense.

## **HB 5666**

CCADV supports this measure which would strengthen penalties against people involved in human trafficking. The bill seeks to expand the offenses that are subject to forfeiture of money and property used in, or obtained or derived from the commission of, sexual exploitation and human trafficking. Human

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trafficking is just one of many forms of violence against women that permeates our society. We must do everything possible as a state to prevent people from profiting from heinous acts of violence and abuse against women. Any effort of the CT General Assembly to strengthen protections for victims and increase offender accountability is a step in the right direction.

#### **HB 6675**

CCADV supports this measure which will relinquish the rights that a spouse has to participate in the decision making for funeral arrangements when they have committed a heinous criminal act against their spouse or minor child.

Connecticut has averaged 16 intimate partner homicides annually over the past decade, and while many are murder-suicides, there are those cases where the family of the victim is left in the unthinkable position of having funeral arrangements dictated by victim's killer. Any homicide, including intimate partner homicide, has ripple effects that extend beyond the immediate victim, impacting family and friends of the victim, as well as entire communities. The state should take this step and limit the ability of murders to continue to hold power over crime victims.

#### **HB 6688 – Section 5**

CCADV supports Section 5 of this bill which calls for the Program Review and Investigations Committee (PRI) to conduct a study of the state's alimony statutes. PRI staff is bipartisan and known for its strong, comprehensive research capabilities. Unlike another proposal currently before the Committee (SB 1155), this study will allow lawmakers to base recommended changes on empirical data relating to the award of alimony in the state. Any recommended changes to our alimony statutes should be based on such research and not be arbitrary in nature.

Please do not hesitate to contact me with any questions.

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<sup>1</sup> LA.Rev.Stat.Ann.Section 9:361